

**SAN JOAQUIN VALLEY
AIR POLLUTION CONTROL DISTRICT**

**CHEMICAL WASTE MANAGEMENT, INCORPORATED
KETTLEMAN HILLS FACILITY**

FINAL ENGINEERING EVALUATION

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MSWL (EG) APPLICATION REVIEW

Project #: 960849	
Deemed Complete: December 12, 2000	
	Engineer: Douglas Shaffer
	Date: October 17, 2002
Facility Number:	C-0283
Facility Name:	Chemical Waste Management, Incorporated
Mailing Address:	P O Box 471
	Kettleman City, CA 93239-0471
Contact Name:	Paul Turek
Phone:	(559) 386-6151
Responsible Official:	Robert G. Henry
Title:	District Manager

I. PROPOSAL

[Chemical Waste Management, Incorporated](#) is proposing that an Initial Title V permit be issued for [Kettleman Hills Facility](#) near [Kettleman City](#). The facility operates a combined hazardous and municipal waste landfill operation. The purpose of this evaluation is to identify all applicable requirements, determine if the facility will comply with those applicable requirements, and to provide the legal and factual basis for proposed permit conditions.

II. FACILITY LOCATION

[Kettleman Hills Facility](#) is located at [35251 Old Skyline Road, Kettleman City, CA](#).

III. EQUIPMENT LISTING

A detailed facility printout is provided in Attachment A.

A summary of the exempt equipment categories that describe the insignificant activities or equipment at the facility not requiring a permit is shown in Attachment B. This equipment is not exempt from facility-wide requirements.

IV. GENERAL PERMIT TEMPLATE USAGE

The applicant is requesting to use the following model general permit Templates:

A. SJV-UM-0-1, Facility-wide Umbrella General Permit template

The applicant has requested to utilize template SJV-UM-0-1, [Umbrella General Permit Template](#), for the entire facility. Based on the information submitted in the Template Qualification Form, the applicant qualifies for the use of this template.

V. SCOPE OF EPA AND PUBLIC REVIEW

Certain segments of the proposed Operating Permit are based on model general permit templates that have been previously subject to EPA and public review. The terms and conditions from the model general permit templates are included in the proposed permit and are not subject to further EPA and public review.

For permit applications utilizing model general permit templates, public and agency comments on the District's proposed actions are limited to the applicant's eligibility for model general permit template, applicable requirements not covered by the model general permit template, and the applicable procedural requirements for issuance of Title V Operating Permits.

The following permit conditions, including their underlying applicable requirements, originate from model general permit templates and are not subject to further EPA and Public review:

Conditions 1 through 34, and 36 through 41 of the Facility Wide requirements (C-283-0)

VI. APPLICABLE REQUIREMENTS ADDRESSED BY PERMIT TEMPLATES

District Rule 1100 Equipment Breakdown (Amended December 17, 1992) (Non SIP replacement for Kings County Rule 111)¹

District Rule 1160 Emission Statements (Adopted November 18, 1992)¹

District Rule 2010 Permits Required (Amended December 17, 1992)¹

District Rule 2020 Exemptions (Amended March 21, 2002) (Non SIP replacement for District Rule 2020)¹

District Rule 2031 Transfer of Permits (Amended December 17, 1992)¹

District Rule 2040 Applications (Amended December 17, 1992)¹

District Rule 2070 Standards for Granting Applications (Amended December 17, 1992)¹

District Rule 2080 Conditional Approval (Amended December 17, 1992)¹

District Rule 2520 Federally Mandated Operating Permits (Amended June 21, 2001)¹, Sections 5.2, 9.1.1, 9.4, 9.5, 9.7, 9.8, 9.9, 9.13.1, 9.13.2, 9.16 and 10.0

District Rule 4101 Visible Emissions (Amended November 15, 2001) (Non SIP replacement for Kings County Rule 401)¹

District Rule 4601 Architectural Coatings (Amended October 31, 2001) (Non SIP replacement for District Rule 4601)¹

40 CFR Part 61 Subpart M National Emission Standard for Asbestos¹

40 CFR Part 82 Subpart F Stratospheric Ozone¹

¹ The Umbrella General Permit Template addresses this requirement for all permit units at the facility

VII. APPLICABLE REQUIREMENTS NOT ADDRESSED BY PERMIT TEMPLATES

District New and Modified Stationary Source Review Rule

District Rule 1081 Source Sampling (Amended December 16, 1993) (Non SIP replacement for Kings County Rule 108)

District Rule 2080 Conditional Approval (Amended December 17, 1992)

District Rule 2520 Federally Mandated Operating Permits (Amended June 21, 2001), Sections 9.1, 9.3.1, 9.3.2, 9.4.1, 9.4.2, 9.5.1, and 9.5.2

District Rule 4002 National Emissions Standards for Hazardous Air Pollutants (Amended May 18, 2000)

District Rule 4201 Particulate Matter Concentration (Amended December 17, 1992)

District Rule 4202 Particulate Matter - Emission Rate (Amended December 17, 1992)

District Rule 4621 Transfer of Gasoline into Stationary Storage Containers, Delivery Vessels, and Bulk Plants (Amended June 18, 1998)

District Rule 4622 Storage of Organic Liquids (Amended June 18, 1998)

District Rule 4651 Volatile Organic Compound Emissions From Decontamination of Soil (Amended December 17, 1992)

District Rule 4701 Internal Combustion Engines (Amended November 12, 1998) (Non SIP replacement for District Rule 4701)

District Rule 8021 Construction, Demolition, Excavation, Extraction, and Other Earthmoving Activities (Adopted November 15, 2001)

District Rule 8031 Bulk Materials (Adopted November 15, 2001)

District Rule 8041 Carryout and Trackout (Adopted November 15, 2001)

District Rule 8051 Open Areas (Adopted November 15, 2001)

District Rule 8061 Paved and Unpaved Roads (Adopted November 15, 2001)

District Rule 8071 Unpaved Vehicle/Equipment Traffic Areas (Adopted November 15, 2001)

Kings County Rule 407 Sulfur Compound Emissions

40 CFR Part 60 Subpart WWW Standards of Performance for Municipal Solid Waste Landfills

40 CFR Part 61 Subpart FF National Emissions Standards for Benzene Waste Operations

40 CFR Part 63 Subpart DD National Emissions Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations

VIII. REQUIREMENTS NOT FEDERALLY ENFORCEABLE

For each source, the District issues a single permit that contains the Federally Enforceable requirements, as well as the District-only requirements. The District-only requirements are not a part of the Federally Enforceable requirements. The terms and conditions that are part of the facility's Federally Enforceable requirements will be, upon approval into the state plan and administrative conversion, designated as "Federally Enforceable Through Title V Permit."

This facility is subject to the following rules that are not currently federally enforceable:

District Rule 4102 Nuisance (Amended December 17, 1992)

For this facility the following conditions are based on the rules listed above and are not Federally Enforceable through Title V: condition 46 of the facility wide requirements (C-283-0).

IX. COMPLIANCE

A. Requirements Addressed by General Permit Templates

1. Facility Wide Requirements

The applicant is proposing to use a general permit template to address federally applicable facility-wide requirements. Section IV of template SJV-UM-0-1 includes a demonstration of compliance for all applicable requirements. Template conditions have been added to the facility wide requirements as condition numbers 1 through 34, and 36 through 41 to assure compliance with these requirements.

B. Requirements Not Addressed by General Permit Templates

1. District New and Modified Stationary Source Review Rule

a. I C Engines (C-283-3, -9, -10)

These units were subject to the District NSR Rule at the time the applicant applied for Authority to Construct. In accordance with the White Paper for Streamlined Development of Part 70 Permit Applications, dated July 10, 1995, conditions from the resulting PTOs were addressed to define how NSR permit terms should be incorporated into the Title V permit.

- Condition 1 from the PTO is included as condition 8 of the requirements for these permit units.
- Condition 2 from the PTO is included as condition 9 of the requirements for these permit units.

b. Emergency I C Engine (C-283-8)

This unit was subject to the District NSR Rule at the time the applicant applied for Authority to Construct. In accordance with the White Paper for Streamlined Development of Part 70 Permit Applications, dated July 10, 1995, conditions from the resulting PTO were addressed to define how NSR permit terms should be incorporated into the Title V permit.

- Conditions 1, 2, and 3 from the PTO are included as conditions 6, 7, and 8 of the requirements for this permit unit.
- Condition 4 from the PTO is included as condition 2 of the requirements for this permit unit.

c. Hazardous Waste Landfills (C-283-11, -21)

These units were subject to the District NSR Rule at the time the applicant applied for Authority to Construct. In accordance with the White Paper for Streamlined Development of Part 70 Permit Applications, dated July 10, 1995, conditions from the resulting PTOs were addressed to define how NSR permit terms should be incorporated into the Title V permit.

- Conditions 1 through 4 from the PTO are included as conditions 1 through 4 of the requirements for these permit units.
- Condition 5 from the PTO is included as conditions 29 through 35 of the facility wide requirements.
- Conditions 6 and 7 from the PTO are included as conditions 5 and 6 of the requirements for these permit units.

d. Evaporation Ponds (C-283-14, -15, -17)

This unit was subject to the District NSR Rule at the time the applicant applied for Authority to Construct. In accordance with the White Paper for Streamlined Development of Part 70 Permit Applications, dated July 10, 1995, conditions from the resulting PTO were addressed to define how NSR permit terms should be incorporated into the Title V permit.

- Conditions 1 through 4 from the PTO are included as conditions 6 through 9 of the requirements for these permit units.

e. Waste Stabilization Unit (C-283-19)

This unit was subject to the District NSR Rule at the time the applicant applied for Authority to Construct. In accordance with the White Paper for Streamlined Development of Part 70 Permit Applications, dated July 10, 1995, conditions from the resulting PTO were addressed to define how NSR permit terms should be incorporated into the Title V permit.

- Conditions 1 through 4 from the PTO are included as conditions 3 through 6 of the requirements for these permit units.
- Condition 5 from the PTO requires record keeping for mobile, non-road equipment. This requirement is extraneous and not included as a requirement for this permit unit.

f. Gasoline Storage Tank (C-283-20)

This unit was subject to the District NSR Rule at the time the applicant applied for Authority to Construct. In accordance with the White Paper for Streamlined Development of Part 70 Permit Applications, dated July 10, 1995, conditions from the resulting PTO were addressed to define how NSR permit terms should be incorporated into the Title V permit.

- Conditions 1 through 4 from the PTO are included as conditions 1 through 4 of the requirements for this permit unit.

g. Municipal Solid Waste Landfill (C-283-22)

This unit was subject to the District NSR Rule at the time the applicant applied for Authority to Construct. In accordance with the White Paper for Streamlined Development of Part 70 Permit Applications, dated July 10, 1995, conditions from the resulting PTO were addressed to define how NSR permit terms should be incorporated into the Title V permit.

- Conditions 1, 2 and 3 from the PTO are included as more detailed conditions 1 through 19 of the requirements for this permit unit.

- Conditions 4 through 13 from the PTO are included as conditions 20 through 29 of the requirements for this permit unit.
- Condition 14 from the PTO is included as more detailed conditions 1 through 19 of the requirements for this permit unit.
- Conditions 15, 16 and 17 from the PTO are included as conditions 30, 31 and 32 of the requirements for this permit unit.
- Condition 18 from the PTO is included as condition 34 of the facility wide requirements.
- Conditions 19 and 20 from the PTO are included as conditions 33 and 34 of the requirements for this permit unit.

2. District Rule 1081 Source Sampling

District Rule 1081 has been submitted to the EPA to replace Kings County Rule 108, which is in the SIP. District Rule 1081 is as stringent as Fresno County Rule 108, as shown below.

Comparison of District Rule 1081 and Kings County Rule 108

REQUIREMENTS	1081 District	108 Kings
Upon request of the APCO, the source shall provide info. and records to enable the APCO to determine when a representative sample can be taken.	✓	✓
The facility shall collect, have collected or allow the APCO to collect, a source sample	✓	✓
The source shall have District personnel present at a source test	✓	
The applicable test method, if not specified in the rule, shall be conducted in accordance with 40 CFR § 60, Appendix A	✓	
Test procedures: 1) arithmetic mean of three runs 2) a scheduled source test may not be discontinued solely due to the failure to meet the applicable standard(s), and 3) arithmetic mean of two runs is acceptable if circumstances beyond owner or operator control occurs.	✓	

Sections 3.0, 4.0, 5.0, 6.0, and 7.0 of District Rule 1081 set forth requirements for sampling facilities, collection of samples, test methods, test procedures, and administrative requirements, respectively.

- a. Gasoline Storage Tank (C-283-20)
- These requirements are addressed in condition 4.

3. District Rule 2080 Conditional Approval

This rule sets forth requirements to comply with all conditions of the Permit to Operate. An ATC or PTO may be issued subject to conditions specified in writing to insure compliance with standards of the rules.

- a. Waste Stabilization Unit (C-283-19)
- Requirements to ensure compliance with opacity rules are included as conditions 7 and 8.

4. District Rule 2520 Federally Mandated Operating Permits

Section 9.0 of District Rule 2520 requires certain elements to be contained in each Title V permit:

Section 9.1 requires each permit to include emission limitations and standards, including those operational requirements and limitations that assure compliance with all applicable requirements at the time of permit issuance.

Section 9.3 contains requirements for monitoring emissions. The permit shall include all analysis procedures or test methods by reference, periodic monitoring to provide reliable data (including record keeping), and requirements for installation, use and maintenance of monitoring equipment (as appropriate).

Sections 9.4.1 and 9.4.2 contains requirements to incorporate all applicable record keeping requirements into the Title V permit, specific records of any required monitoring, and the retention of all required monitoring data and support information for five years.

- a. I C Engines (C-283-3, -9, -10)
 - The monitoring requirements of Section 9.3 are addressed in permit conditions 3 through 7.
 - Record keeping is required in permit condition 8.
- b. Emergency I C Engine (C-283-8)
 - The monitoring requirements of Section 9.3 are addressed in permit conditions 3, 4 and 8.
 - Record keeping is required in permit condition 5.
- c. Hazardous Waste Landfills (C-283-11, -21)
 - Record keeping is required in permit condition 3.
- d. Evaporation Ponds (C-283-14, -15, -17)
 - Assurance that these units operate in compliance with applicable NESHAPS requirements is provided in conditions 1 through 5.
 - Monitoring and record keeping is required in permit conditions 1, 2 and 8.
- e. Waste Stabilization Unit (C-283-19)
 - Assurance that this unit operates in compliance with applicable NESHAPS requirements is provided in conditions 1 and 2.
 - Monitoring is required in permit conditions 10, 11 and 12.
 - Record keeping is required in permit conditions 2 and 12.
- f. Gasoline Storage Tank (C-283-20)
 - Condition 5 prohibits operation of the equipment for retail sales.
 - Condition 10 specifies an adequate testing frequency to ensure compliance with the prohibition to operate with defects, which may not be detected without performance testing the vapor recovery system.
 - Condition 14 has been added to require a monitoring log of identified defects be maintained.
 - Conditions 15 and 16 require leak inspections to be conducted and that the source maintains an inspection log to assure compliance with leak limits of the rule.
 - Condition 19 requires that all records be maintained for at least five years.
- g. Municipal Solid Waste Landfill (C-283-22)

- The monitoring requirements of Section 9.3 are addressed in permit conditions 28 and 29.
- Record keeping is required in permit condition 15.

5. District Rule 4002 National Emissions Standard for Hazardous Air Pollutants

This rule incorporates the National Emission Standards for Hazardous Air Pollutants from Part 61, Chapter I, Subchapter C, Title 40, Code of Federal Regulations (CFR) and the National Emission Standards for Hazardous Air Pollutants for Source Categories from Part 63, Chapter I, Subchapter C, Title 40, Code of Federal Regulations (CFR). The following requirements have been identified as potentially applicable to this facility:

- FF National Emission Standard for Benzene Waste Operations
 - DD National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations
- a. Facility Wide Requirements (C-283-0)
- The requirements of 40 CFR 61, Subpart FF are addressed in conditions 42 through 45.
- b. Hazardous Waste Landfills (C-283-11, -21)
- There are no applicable requirements for these emissions units.
- c. Evaporation Ponds (C-283-14, -15, -17)
- The requirements of 40 CFR 63, Subpart DD are addressed in conditions 1 through 5.
- d. Waste Stabilization Unit (C-283-19)
- The requirements of these standards are addressed in conditions 1 and 2.

6. District Rule 4201 Particulate Matter Concentration and Kings County Rule 404

District Rule 4201 has been submitted to the EPA to replace Kings County Rule 404. EPA made a preliminary determination that District Rule 4201 is "more stringent" than the county version previously referenced, per correspondence date August 20, 1996.

Section 3.1 requires emissions to be at or below 0.1 grain of particulate matter per dry standard cubic foot of exhaust gas. Results from source tests of diesel-fired internal combustion (IC) engines generally indicate emission rates from these units are less than the allowable limit of 0.1 grain/dscf. Of the tests available at the time of this writing, most were in the range of 0.042 to 0.061 grain/dscf, with a low of 0.020 grain/dscf, and a high of 0.092 grain/dscf. However, although the above testing is sufficient to assume that IC engines using this template comply with the 0.1 grain/dscf limit, the data is insufficient to prove compliance in all cases. Therefore, periodic monitoring will be required in the form of source testing, unless the engine is an emergency or backup IC engine operating less than 200 hours per year. If the initial test results for PM emissions are measured to be less than 0.06 grain/dscf, testing will be required at least once every 5 years. Otherwise, testing shall occur not less than once every 24 months. Test results from an engine that represents a group of engines in terms of rated brake horsepower, engine make and series, operational conditions, fuel used, and control method, shall satisfy this condition provided this group of engines is owned and operated by a single owner/operator.

- a. I C Engines (C-283-3, -9, -10)
- This rule requirement is addressed in condition 2.
 - Record keeping and testing is required in conditions 3 through 8.

- b. Emergency I C Engine (C-283-8)
 - This rule requirement is addressed in condition 2.
 - Record keeping and testing is required in conditions 3, 4, 5 and 8.
- c. Waste Stabilization Unit (C-283-19)
 - This rule requirement is addressed in condition 8.
 - Record keeping and testing is required in conditions 10, 11 and 12.

7. District Rule 4202 Particulate Matter - Emission Rate

The rule requires the emission rate of particulate matter from any process operation to be below a level as calculated according to the equation in section 4.1 of the rule.

The maximum emission rate allowed under this rule is given as a function of the process weight rate in section 4.1. The equation is:

$$E_{\text{allow}} = 3.59 P^{0.62} \text{ (for process rates less than 30 ton/hr)}$$

$$E_{\text{allow}} = 17.31 P^{0.16} \text{ (for process rates greater than 30 ton/hr)}$$

where:

E_{allow} = allowable emission rate of particulate matter (lb/hr)

P = process weight rate (ton/hr)

- a. Waste Stabilization Unit (C-283-19)
 - The rule requirement is included in condition 9.

8. District Rule 4621 Transfer of Gasoline into Stationary Storage Containers, Delivery Vessels, and Bulk Plants

This rule requires that gasoline storage tanks be equipped with an ARB-certified Phase I vapor recovery system and that the vapor recovery system be maintained and operated according to manufacturer's specifications. The rule further requires that no delivery vessel be allowed to operate unless valid state decals are displayed. Aboveground storage tanks must be equipped with a pressure-vacuum valve set to within 10% of the maximum allowable working pressure of the tank.

- a. Gasoline Storage Tank (C-283-20)
 - Compliance with this rule is assured by conditions 6, 7 and 8.

9. District Rule 4622 Storage of Organic Liquids

This rule requires that gasoline storage and dispensing facilities be equipped with an ARB-certified Phase II vapor recovery system and that the vapor recovery system be source tested and maintained in good working order. In the event that specific system defects are found, the rule requires that the defective component be tagged "Out of Order" and shut down until the defect has been repaired. The system cannot be tampered with in any way that affects effectiveness or operation nor can an ARB certified system be removed once installed. Topping off a motor vehicle fuel tank is prohibited. Applicable only to retail service stations, the rule requires a prominent display of operating instructions, the posting of a toll-free telephone number to report complaints, and hold-open latches on dispensing nozzles.

a. Gasoline Storage Tank (C-283-20)

- Compliance with this rule is assured by conditions 1, 2, 3, and 9 through 15, 17 and 18.

10. District Rule 4651 Volatile Organic Compound Emissions From Decontamination of Soil

The purpose of this rule is to limit VOC emissions from the excavation and treatment of soil that has been contaminated by organic liquid as a result of leakage from storage or transfer facilities, from accidental spillage, or other deposition. Limited aeration is allowed, but is subject to specific conditions, listed in section 5.2

a. Municipal Solid Waste Landfill (C-283-22)

- Daily cover on the landfill must not be contaminated soil. Condition 24 limits the use of contaminated soil.

11. District Rule 4701 Internal Combustion Engines

District Rule 4701 (11/98) has been submitted to the EPA to replace District Rule 4701 (12/96), which is in the SIP. District Rule 4701 (11/98) is as stringent as District Rule 4701 (12/96), as shown in following table:

Comparison of District Rule 4701 (11/98) and District Rule 4701 (12/96)

REQUIREMENT	4701 11/12/98	4701 12/19/96
Comply with specific NO _x , CO and VOC emissions, as tabulated in section 5.1 of the rule.	✓	✓
Utilize continuous emissions monitoring equipment, approved alternate monitoring, or monitor APCO-approved operational characteristics.	✓	✓
Submit an emission control plan to the District.	✓	✓
Engine operating log shall be retained for at least two years.	✓	✓
Compliance with emission requirements of this rule shall be determined by source testing.	✓	✓

District Rule 4701 limits the emissions of nitrogen oxides (NO_x), carbon monoxide (CO), and volatile organic compounds (VOC) from internal combustion engines.

a. I C Engines (C-283-3, -9, -10)

- These engines are identified as transportable. As such, only the record keeping requirements of sections 6.1 and 6.5 apply. This requirement is addressed in condition 10.

12. SJVUAPCD Regulation VIII (District Rules 8021, 8031, 8041, 8051, 8061 and 8071) - Fugitive Dust (PM₁₀)

The purpose of Regulation VIII (Fugitive PM₁₀ Prohibitions) is to reduce ambient concentrations of fine particulate matter (PM₁₀) by requiring actions to prevent, reduce or mitigate anthropogenic fugitive dust emissions. The Rules contained in this Regulation have been developed pursuant to United States Environmental Protection Agency guidance for Serious PM₁₀ Nonattainment Areas. The rules are applicable to specified anthropogenic fugitive dust sources. Fugitive dust contains PM₁₀ and particles larger than PM₁₀. Controlling fugitive dust emissions when visible emissions are detected will not prevent all PM₁₀ emissions, but will substantially reduce PM₁₀ emissions.

The provisions of this Regulation are applicable to specified outdoor fugitive dust sources. The definitions, exemptions, requirements, administrative requirements, record keeping requirements, and test methods set forth in Rule 8011 are applicable to all Rules under Regulation VIII (Fugitive PM₁₀ Prohibitions) of the Rules and Regulations of the San Joaquin Valley Unified Air Pollution Control District. The provisions of this Regulation shall be effective on and after May 15, 2002.

RULE 8021:

The purpose of this rule is to limit fugitive dust emissions from construction, demolition, excavation, extraction, and other earthmoving activities. This rule applies to any construction, demolition, excavation, extraction, and other earthmoving activities, including, but not limited to, land clearing, grubbing, scraping, travel on site, and travel on access roads to and from the site. This rule also applies to the construction of new landfill disposal sites or modification to existing landfill disposal sites prior to commencement of landfilling activities. This rule requires the use of control measures to maintain visible dust emissions (VDE) under the 20% opacity requirement.

RULE 8031:

The purpose of this rule is to limit fugitive dust emissions from the outdoor handling, storage, and transport of bulk materials. This rule applies to the outdoor handling, storage, and transport of any bulk material.

RULE 8041:

The purpose of this rule is to limit fugitive dust emissions from carryout and trackout. This rule applies to all sites that are subject to Rules 8021 (Construction, Demolition, Excavation, Extraction, and other Earthmoving Activities), 8031 (Bulk Materials), and 8071 (Unpaved Vehicle and Equipment Traffic Areas) where carryout or trackout has occurred or may occur.

RULE 8051:

The purpose of this rule is to limit fugitive dust emissions from open areas. This rule applies to any open area having 3.0 acres or more of disturbed surface area that has remained undeveloped, unoccupied, unused, or vacant for more than seven days.

RULE 8061:

The purpose of this rule is to limit fugitive dust emissions from paved and unpaved roads by implementing control measures and design criteria. This rule applies to any new or existing public or private paved or unpaved road, road construction project, or road modification project.

RULE 8071:

The purpose of this rule is to limit fugitive dust emissions from unpaved vehicle and equipment traffic areas. This rule applies to any unpaved vehicle/equipment traffic area of 1.0 acre or larger.

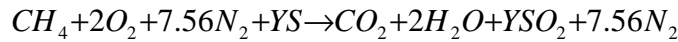
a. Facility Wide Requirements (C-283-0)

- Compliance with these regulations is assured by conditions 29 through 35.

13. Kings County Rule 407

This county rule contains a limit on sulfur compounds. The limit at the point of discharge is 0.2 percent by volume, 2000 ppmv, calculate as sulfur dioxide (SO₂), on a dry basis averaged over 15 consecutive minutes.

Assuming that 0% excess air in the exhaust stream corresponds with maximum SO_x emissions concentration (neglecting NO_x and SO_x relative to SO₂ in the exhaust) and that CH₄ represents a typical gaseous fuel, the combustion equation for natural gas is:



where:

Y = moles of sulfur in the fuel.

Solving the expression for the fraction of SO₂ in the dry exhaust by volume gives:

$$\frac{Y}{1 + 7.56} = 0.002 \Rightarrow Y = 0.01712$$

where:

Y = mole fraction of S per mole of CH₄ combusted

1 = one mole of CO₂

7.56 = number of moles of N₂

0.002 = 0.2% by volume = 2000 ppmv limit per District Rule 4801

Use Y to calculate the weight fraction of S in one mole of CH₄:

$$\frac{(0.01712)(32.06)}{(16.04) + (0.01712)(32.06)} = 0.033 \Rightarrow 3.3\% \text{ S by weight in the fuel.}$$

where:

32.06 = molecular weight of sulfur (S)

16.04 = molecular weight of methane (CH₄)

0.033 = fraction of S by weight in the fuel

This equation shows that an exhaust concentration of 0.2% by volume corresponds to a gaseous fuel sulfur content by weight of about 3.3%.

The maximum fuel sulfur content that can be combusted in a diesel-fired IC engines to comply with the sulfur emission rate of 2000 ppmv is calculated as follows:

Maximum Fuel Sulfur Content of Diesel to Assure Compliance with County Rule 407

$$\frac{\left(137,000 \frac{Btu}{gal}\right) \times \left(\frac{9190 \text{ dscf}}{10^6 \text{ Btu}}\right) \times \left(32.06 \frac{g \text{ S}}{mol}\right) \times \left(0.002 \frac{mol \text{ S}}{mol \text{ exhaust}}\right) \times \left(28.317 \frac{L}{cf}\right)}{\left(23.6 \frac{L}{mol}\right) \times \left(7.05 \frac{lb}{gal}\right) \times \left(453.59 \frac{g}{lb}\right)} = 0.030 \frac{lb \text{ S}}{lb \text{ Diesel}}$$

where,

$$\left(\frac{9190 \text{ dscf}}{10^6 \text{ Btu}}\right) = F - \text{Factor for Diesel (40 CFR Appendix A Table 19-1)}$$

137,000 = Heat content of diesel (AP42, Appendix A)

7.05 = density of diesel (AP42, Appendix A)

23.6 = Volume 1 mole of gas occupies at standard condition (1 atm, 15.5 °C)

32 = Molecular weight of sulfur

Diesel fuel with a sulfur content of less than 3.0% by weight will satisfy the conditions of Kings County Rule 407. The use of this low sulfur diesel assures compliance with Kings County's rule. Testing and record keeping requirements will assure that these limits are met.

a. I C Engines (C-283-3, -9, -10)

- These units shall not exceed sulfur compound emissions of 0.2% by volume, 2000 ppmv, on a dry basis averaged over 15 consecutive minutes, per condition 1.
- These units are fired on Air Resources Board quality diesel fuel with maximum sulfur content 0.05% by weight, per condition 3.
- Record keeping and testing is required in conditions 4 through 8.

b. Emergency I C Engine (C-283-8)

- This unit shall not exceed sulfur compound emissions of 0.2% by volume, 2000 ppmv, on a dry basis averaged over 15 consecutive minutes, per condition 1.
- This unit is fired on Air Resources Board quality diesel fuel with maximum sulfur content 0.05% by weight, per condition 3.
- Record keeping and testing is required in conditions 3, 4, 5 and 8.

14. 40 CFR Part 60 Subpart WWW Standards of Performance for Municipal Solid Waste Landfills

Subpart WWW contains requirements applicable to existing MSWL. Compliance with these requirements is addressed as follows:

Section 60.752(a) and (b) contain requirements for submittal of initial and subsequent design capacity and NMOC emission reports. Conditions addressing submittal of the initial design capacity and initial NMOC emission rate reports to the APCO are not included in this evaluation. These requirements are extraneous, since landfills are required to submit these reports to the APCO, with their permit application for the landfill. The submittal of amended design capacity reports is not required for these sources since they have design capacities above the limits of 2.5 million megagrams and 2.5 million cubic meters prior to any modification. Only landfills that undergo a modification to increase the design capacity above the 2.5 million megagrams and 2.5 million cubic meters limits will become subject to the NSPS for landfills, 40 CFR 60 Subpart WWW. Compliance is also required pursuant to sections 60.754(a) and 60.757(b).

Sections 60.753, 60.755 and 60.756 address operational standards, compliance provisions and monitoring of installed collection and control systems. These system specific requirements will become applicable once a gas collection and control system, pursuant to Part 62 Subpart GGG, is installed.

Sections 60.754(a) and (c) contain test methods and procedures for calculating NMOC emission rates.

Sections 60.754(b) and (d) contain requirements applicable to a MSWL after the installation of a collection and control system.

Section 60.757(a) addresses initial and subsequent design capacity report submittal. As already mentioned under 60.752(a) and (b), this section is not applicable to this source.

Sections 60.757(b), (c) and (d) address reporting requirements for NMOC emission rates and landfill closure reports.

Sections 60.757(e), (f) and (g) address reporting requirements for controlled landfills.

Section 60.758, except section 60.758(a), contains record keeping requirements for a MSWL with collection and control system devices.

Section 60.758(a) addresses record keeping requirements for design capacity, solid waste in-place and waste acceptance rate.

Section 60.759 contains specifications for MSWL gas active collection systems.

b. Municipal Solid Waste Landfill (C-283-22)

- Compliance with subsequent NMOC emission report submittal is assured by conditions 9 and 16, 17 and 18.
- Compliance with Sections 60.753, 60.755 and 60.756 is assured through conditions 18 and 19.
- Compliance with Sections 60.754(a) and (c) is assured by conditions 1 through 9.
- Compliance with Sections 60.754(b) and (d) is assured by conditions 18 and 19.
- Compliance with Sections 60.757(b), (c) and (d) is assured by conditions 9 through 14 and 17.
- Compliance with Sections 60.757(e), (f) and (g) is assured by conditions 18 and 19.
- Compliance with Section 60.758, except section 60.758(a), is assured by conditions 18 and 19.
- Record keeping requirements pursuant to Section 60.758(a) are addressed in condition 15.
- Compliance with Section 60.759 is assured by conditions 18 and 19.

15. 40 CFR Part 61 Subpart FF National Emissions Standards for Benzene Waste Operations

The provisions of this subpart apply to owners and operators of hazardous waste treatment, storage, and disposal facilities that treat, store, or dispose of hazardous waste generated by owners and operators of chemical manufacturing plants, coke by-product recovery plants, and petroleum refineries. The waste streams at hazardous waste treatment, storage, and disposal facilities subject to the provisions of this subpart are the benzene-containing hazardous waste from any facility listed above.

Section 61.342 describes subject facilities, outlines specific exemptions, defines how to identify subject facilities, provides a compliance timeline, and provides compliance methods.

a. Facility Wide Requirements (C-283-0)

- The facility is currently operating below the trigger level of this NESHAP. Conditions 42 through 45 have been included to insure compliance prior to modification of the facility or operating scenario.

16. 40 CFR Part 63 Subpart DD National Emissions Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations

The provisions of this subpart apply to the owner and operator of a plant site for which:

- 1) the plant site is a major source of hazardous air pollutant (HAP) emissions and
- 2) at the plant site is located one or more of operations that receives off-site materials as follows:
 - (i) The material is a waste, used oil, or used solvent;

- (ii) The waste, used oil, or used solvent is delivered, transferred, or otherwise moved to the plant site from a location outside the boundaries of the plant site; and
- (iii) The waste, used oil, or used solvent contains one or more of the hazardous air pollutants (HAP) listed in 40 CFR 63.681, Table 1, based on the composition of the material at the point-of-delivery, and the operation is one of the waste management operations or recovery operations described 40 CFR 63.680(a)(2)(i) through (a)(2)(vi).

Section 63.680 describes subject facilities, outlines specific exemptions, defines how to identify subject facilities, provides a compliance timeline, and provides compliance methods.

a. Hazardous Waste Landfills (C-283-11, -21)

- These permit units are identified as not subject to this requirement.

b. Evaporation Ponds (C-283-14, -15, -17)

- These permit units are currently operating below the trigger level of this NESHAP. Conditions 1 through 5 have been included to insure compliance prior to modification of the facility or operating scenario.

c. Waste Stabilization Unit (C-283-19)

- This permit unit is currently operating below the trigger level of this NESHAP. Conditions 1 and 2 have been included to insure compliance prior to modification of the facility or operating scenario.

X. PERMIT CONDITIONS

See permit conditions on the following pages.

Attachment A

Detailed Facility Printout

Attachment B

Insignificant Activities

Title V Application - INSIGNIFICANT ACTIVITIES

COMPANY NAME: Chemical Waste Management, Inc, Kettleman Hills Facility			FACILITY ID: C-283		
Check the box next to the exemption category from Rule 2020 which describes any insignificant activity or equipment at your facility not requiring a permit.					
Exemption Category	Rule 2020 Citation	√	Exemption Category	Rule 2020 Citation	√
Structure or incinerator assoc. with a structure designed as a dwelling for 4 families or less	4.1		Containers used to store refined lubricating oils	6.6.8	
Locomotives, airplanes, and watercraft used to transport passengers or freight	4.4		Unvented pressure vessels used exclusively to store liquified gases or assoc with exempt equipment	6.6.9 or 6.13	√
Natural gas or LPG-fired boilers or other indirect heat transfer units of 5 MMBtu/hr or less	6.1.1		Portable tanks used exclusively to store produced fluids for ≤ six months	6.6.10	
Piston-type i.c. engine with maximum continuous rating of 50 braking horsepower (bhp) or less	6.1.2	√	Mobile transport tanks on delivery vehicles of VOCs	6.6.11	√
Gas turbine engines with maximum heat input rating of 3 MMBtu/hr or less	6.1.3		Loading racks used for the transfer of less than 4,000 gal/day of unheated organic material with initial boiling point ≥ 302 F or of fuel oil with specific gravity ≥ 0.8251	6.7.1.1	
Space heating equipment other than boilers	6.1.4		Loading racks used for the transfer of asphalt, crude or residual oil stored in exempt tanks, or crude oil with specific gravity ≥ 0.8762	6.7.1.2	
Cooling towers with a circulation rate less than 10,000 gal/min, and that are not used for cooling of process water, or water from barometric jets or condensers++	6.2		Equipment used exclusively for the transfer of refined lubricating oil	6.7.2	
Use of less than 2 gal/day of graphic arts materials	6.3		Equipment used to apply architectural coatings	6.8.1	
Equipment at retail establishments used to prepare food for human consumption	6.4.1		Unheated, non-conveyorized cleaning equipment with < 10 ft² open area; using solvents with initial boiling point ≥ 248 F; and < 25 gal/yr. evaporative losses	6.9	
Ovens at bakeries with total daily production less than 1,000 pounds and exempt by sec. 6.1.1	6.4.3		Brazing, soldering, or welding equipment	6.10	√
Equipment used exclusively for extruding or compression molding of rubber or plastics, where no plastisizer or blowing agent is used	6.5		Equipment used to compress natural gas	6.11	
Containers used to store clean produced water	6.6.1		Fugitive emissions sources assoc. with exempt equipment	6.12	
Containers ≤ 100 bbl used to store oil with specific gravity ≥ 0.8762	6.6.2		Pits and Ponds as defined in Rule 1020	6.15	√
Containers ≤ 100 bbl installed prior to 6/1/89 used to store oil with specific gravity ≥ 0.8762	6.6.3		On-site roadmix manufacturing and the application of roadmix as a road base material	6.17	
Containers with a capacity ≤ 250 gallons used to store organic material where the actual storage temperature < 150 F	6.6.4		Emissions less than 2 lb/day from units not included above	6.19	√
Containers used to store unheated organic material with an initial boiling point ≥ 302 F*	6.6.5	√	Venting PUC quality natural gas from for sole purpose of pipeline and compressor repair and or maintenance	7.2	
Containers used to store fuel oils or non-air-blown asphalt with specific gravity ≥ 0.9042	6.6.6		Non-structural repairs & maintenance to permitted equipment	7.3	√
Containers used to store petroleum distillates used as motor fuel with specific gravity ≥ 0.8251	6.6.7	√	Detonation of explosives ≤ 100 lb/day and 1,000 lb/year	7.4	

☐ No insignificant activities (Check this box if no equipment in the above categories exist at your facility.)

Attachment C

Previous Permits

Attachment D

EPA Comments / District Response

EPA COMMENT / DISTRICT RESPONSE

The EPA did not submit comments on this project.

Attachment E

Public Comments / District Response

PUBLIC COMMENT / DISTRICT RESPONSE

Public comments were received from Chemical Waste Management (CWM) and from Our Children's Earth (OCE) regarding the proposed Title V Operating Permit for the Kettleman Hills Facility (District facility #C-283). These comments are encapsulated below followed by the District's response. Copies of CWM's 10/4/2002 and 10/11/2002 comment letters are available at the District. A copy of OCE's 9/30/2002 comment letter is available at the District.

1. CWM COMMENT — ENGINEERING EVALUATION

Section IX.B.2 Rule 1081 discussion. Please clarify the type of information and records the APCO may request to determine when a representative sample can be taken.

District Response

The information may include design criteria for the emissions unit and the operating schedule of both the facility and the unit. Records of unit utilization may also be requested to identify possible representative sampling periods.

2. CWM COMMENT — PERMITS -3, -9, -10, CONDITION 9

Emission limits of NO_x are expressed in "pounds per day". Please add language that states the daily emission limit can be verified using applicable emission factors along with daily hours of operation or gallons of fuel consumed.

District Response

Since specific source testing has not been required for the purpose of compliance certification, we believe compliance could be demonstrated by the use of emission factors. The Title V permit, however, cannot limit the ways compliance can be determined by specifying that a certain calculation "verifies" compliance.

3. CWM COMMENT — PERMIT -19, CONDITION 1

Please insert the phrase "emissions from the" into the condition as follows:

"This stabilization unit is exempted from the requirements of 40CFR Subpart DD because the emissions from the waste material meets the specifications of 40CFR63.683(b)(2)(iv)(A). The owner or operator must review and update, as necessary, this determination at least once every calendar year following the date of the initial determination for the off-site material stream. [40 CFR 63.683(b)(2)(iv)]"

District Response

The condition, as written, reiterates the federal requirement for this permit unit. Therefore, it cannot be revised.

4. CWM COMMENT — PERMITS -14, -15, -17, -19, CONDITION 1

CWM operates under an elaborate waste approval process, where a unique profile is developed for each waste stream. This waste approval process calls for profile reevaluation when a generator notifies CWM that the process generating the waste has changed, or the results of inspection or analysis indicate that the waste received at Kettleman Hills does not match the profile, or every two years. The proposed permit condition requires review and update "at least once every calendar year". CWM has thousands of approved profiles. CWM respectfully requests that this condition allows review every two years, to match the established and proven CWM waste approval process.

District Response

The condition, as written, reiterates the federal requirement for these permit units. Therefore, it cannot be revised.

5. CWM COMMENT — PERMITS -3, -9, -10

These permit units meet the definition of “transportable engine” under Rule 4701, 3.20. Thus, under section 4.2.7 of Rule 4701, these engines are exempt from the operational requirements of the rule.

District Response

The District will revise the descriptions as follows:

C-283-3: TRANSPORTABLE 125 HP CATERPILLAR MODEL 3304B DI IC ENGINE, DIESEL-FIRED, S/N 10E03206, USED TO DRIVE A PORTABLE WATER PUMP DESIGNATED AS CWP-2

C-283-9: TRANSPORTABLE 192 HP CATERPILLAR MODEL 3304 DI IC ENGINE, DIESEL-FIRED, S/N 83Z03969, USED TO DRIVE A PORTABLE GENERATOR DESIGNATED AS C.GEN-3

C-283-10: TRANSPORTABLE 73.5 HP DEUTZ MODEL F4L912 IC ENGINE, DIESEL-FIRED, USED TO DRIVE A PORTABLE AIR COMPRESSOR DESIGNATED AS PAC-4

The District will include the following condition on each permit:

The permittee shall maintain records of date, hours, and location of operation. [District Rule 4701, 6.1 and 6.5]

OCE Comment #I.: *General Permit Template Usage—McKittrick Limited, facility No. S-1251, Chalk Cliff Limited, Facility Number S-723, Chemical Waste Management, Facility No. C-283, Equilon Bakersfield Terminal, Facility No. S-3303, Castle Peak Resources, Facility No. S-3898*

Facility -Wide Umbrella General Permit Templates

The District states that for permit applications utilizing the model general permit templates, public and agency comments on the District's proposed actions are limited to, inter alia, the applicant's eligibility for the model general permit template. In regards to the applicants' eligibility for the model general permit template, the District merely states "[b]ased on the information submitted in the Template Qualification Form, the applicant qualifies for the use of this template." See Proposed Engineering Evaluation. The District failed to include a statement of basis discussing the factual data on which the District based its decision to grant use of the general permit template. In addition, the District failed to include a summary of the methodology used in obtaining the data and in analyzing the data submitted to the District in the named facilities' applications. These three draft permits leave the public and regulators in the dark as to why "the applicant[s] qualify[y] for the use of th[e] [general permit] template." Id.

District Response: As we noted in the application review, which acts as the statement of legal and factual basis for the proposed permit, the decision to grant use of the general permit template was based on the analysis provided in the template qualification form. The qualification form, which was subject to EPA and public review at the time the template was issued, defines the specific circumstances under which facilities are allowed to use the template, a step-by-step demonstration of qualification, and clearly does not leave regulators or the public "in the dark" as you suggest.

OCE Comment #II.: *Facility-Wide Requirements—McKittrick's, Chalk's, Chemical Waste's, Equilon's, and Castle Peak's Draft Title V Permits*

1. Insufficient Emergency Provisions.

Facility-Wide Requirement 1, under the draft permits, link the term "breakdown" to the definitions provided in District Rule 1100. However, the definition of "breakdown" in Rule 1100 is significantly different from the federal definition of a breakdown, which is provided in the U.S. Environmental Protection Agency's (EPA's) regulation for State Operating Permit Programs (40 CFR Part 70). In 40 CFR 70.6(g), EPA clearly defines emergencies as arising from, "sudden and reasonably unforeseeable events...which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation..." The District's definition does not contain this language and therefore does not fulfill the requirements of the Clean Air Act (CAA). Regarding emergency provisions, we believe that the language of the Title V Draft Permit should follow the language provided in the federal regulation very closely, if not word-for-word.

District Response: Section 13.4.2 of Rule 2520 states that provisions of District Rule 1100 (Breakdowns) apply in addition to the provisions of that section. The purpose of facility wide requirement 1 is to assure compliance with the requirements of District Rule 1100 and to compel prompt reporting. This reporting, however, does not grant facilities an affirmative defense unless the

provisions listed under Section 13.4.1 which are identical to those listed under 40 CFR 70.6(g). Facility wide requirement 1 assures compliance with District Rule 1100 without contradicting federal requirements. Therefore, the breakdown provisions of the proposed permit are consistent with the requirements of the District's approved Title V program and are not insufficient.

OCE Comment #2.: *Insufficient Monitoring/Reporting Requirements.*

Facility-Wide Requirement 10 in the Draft Permits, states that the operator shall submit reports of any required monitoring at least every six months. The Draft Permits should be absolutely clear about what monitoring requirements must be covered in the 6 month monitoring reports. Facility-Wide Requirement 10 is not sufficiently clear.

We suggest the following language: "The source is required to comply with the following monitoring requirements and include such reports in the six month monitoring reports." Such language is necessary to ensure that the District, U.S. EPA, permit holder and the public are aware of the monitoring and reporting requirements in the permit. This language would then need to be followed by a precise list of the applicable monitoring and reporting requirements.

Finally, in the draft Title V permits, the District incorrectly cites District Rule 2520, 9.6.1 as the applicable rule requiring 6 month monitoring reports. Instead, District Rule 2520, 9.5.1 is the proper rule.

District Response: All applicable monitoring requirements are already included in the proposed permit and can be readily identified by reviewing the conditions for each permit unit, so the monitoring and reporting requirements in the draft permit are not insufficient. The "precise list" of monitoring requirements that you recommend we include in condition 10 would be redundant.

The section numbers in the draft permit were based on a previous version of District Rule 2520. The numbers will be updated to reflect the current version at the time of final action.

OCE Comment #3.: *Lack of "Practically Enforceable" Conditions*

According to the CAA, conditions in a Title V permit must be "practically enforceable." Therefore a permit requirement must make it possible to determine whether the facility is complying with the condition. Specifically, all Title V permits are legally required to incorporate all applicable record keeping requirements, and, where applicable, records of required monitoring must include the following:

- 1) The date, time, and place of sampling or measurements;*
- 2) The dates analyses were performed;*
- 3) The company or entity that performed the analyses;*
- 4) The analytical techniques or methods used;*
- 5) The results of such analyses; and*
- 6) The operating conditions existing at the time of sampling or measurement.*

40 CFR 70.6(a)(3)(ii)(A); District Rule 2520, 9.4.1. Reports of all required monitoring must be submitted at least every six months. Reports are required to identify all instances of deviations from permit requirements and must be certified by a responsible official. See 40 CFR 70.6(a)(3)(iii)(A); District Rule 9.13.1 and 10.0. Facility-Wide Requirements 23-27 and 29-34 under the Draft Permit[s] do not include any monitoring and reporting requirements to determine whether the facility is in compliance with Facility-Wide Requirements 23-27 and 29-34. Thus, Facility-Wide Requirements 23-27, 29-34 are not “practically enforceable” because there is no way to determine whether the facility is in compliance with those conditions.

District Response: Facility-wide conditions 23-27 and 29-34 include general requirements (e.g., labeling requirements for any containers used for architectural coatings) that may apply to certain insignificant activities that could occur at the facility (e.g., a temporary architectural coating operation exempt from permitting requirements under Section 6.8.1 of District Rule 2020). These types of operations that are exempt from permitting were designated in the District’s approved Title V program as insignificant. These requirements are practically enforceable in the permit as written. The source is still required to report deviations from these requirements under Facility wide condition 11, and to certify compliance with each of these requirements annually under condition 35. The annual certification must include the identification of the permit term, the compliance status, the method the source operator used to determine the compliance status, and any other facts required by the district to determine the compliance status. Also, if a violation were observed during an EPA or District inspection (e.g., an uncovered can of house paint was found at the facility), enforcement action could still be taken. However, permit modifications/additions will be required if the facility were to begin conducting these activities in a manner or at a level that required a permit (a level not exempt under Rule 2020). Specific monitoring requirements would be added at the time the operation was permitted.

OCE Comment #4.: *Legal Insufficiency of the Schedule of Compliance Section.*

A Title V permit must “assure compliance” with all applicable requirements. See 40 CFR § 70.1(b). Specifically, 40 CFR § 70.7(a)(1)(iv) provides that a permit may only be issued if “the conditions of the permit provide for compliance with all applicable requirements.” The proposed refinery permits subject to these comments do not assure compliance. In particular, the status of the proposed Title V facilities’ current compliance and future ability to comply with all applicable requirements is unclear.

All Title V permits are legally required to contain a compliance schedule as follows: 1) for applicable requirements with which the source is in compliance, a statement that the source will continue to comply with such requirements; 2) for applicable future requirements that will become effective during the permit term, a statement that the source will comply with such requirements on a timely basis; 3) a schedule of compliance for sources that are not in compliance with all applicable requirements at the time of permit issuance, including a schedule of remedial measures with an enforcement sequence of actions leading to compliance. 40 CFR 70.6(c)(3); and 70.5(c)(8)(iii)(A), (B), and (C); District Rule 2520, 9.8.1², 9.13.1, and 9.14. In addition to the schedule of compliance, all Title V permits are required to contain a statement of compliance. District Rule 2520, 10.0.

²Note: The District has again incorrectly cited District Rule 2520, 9.9.1 under condition 5 in Tricor’s and Aera Energy’s draft Title V permits. The correct District Rule is Rule 2520, 9.8.1.

The schedule of compliance section, in the relevant part, reads as follows:

The permittee must comply with all conditions of the permit including permit revisions originated by the District.....

This statement is legally insufficient. The specific contents of a compliance schedule are determined by the status of a source's compliance at the time the permit is issued. For example, if a source is currently in compliance, the compliance schedule must state that the source will "continue to comply." If there are future requirements, the schedule must state that the source must comply with them on a timely basis. If the source is not in compliance, the schedule should include a plan for the source to come into compliance.

The schedule of compliance section presented in the proposed permits, identified above, does not indicate the sources' current status of compliance, nor is a statement of compliance presented elsewhere in the facilities' permits. The schedule also lacks the following components: 1) a statement that the sources will "continue to comply," 2) whether there are future requirements that will become effective during a specific permit's term, 3) language that the source must comply with future requirements "on a timely basis," should the source be out of compliance, 4) a schedule of remedial measures and actions the source must take to come into compliance. These above omissions are inconsistent with federal law and District regulations.

One of the purposes of the Title V permitting program was to enable the public, sources, the state, and EPA to better understand a source's requirements under its permit and whether the source is meeting those requirements. Operating Permit Program, 57 Fed.Reg. 32,295 (1992). The District's failure to include the legally required information in the schedules of compliance defeats this purpose, and strips the schedules of their practical use.

In fact, the above language used in each of the proposed permits is a blanket statement that the District used for all of its Title V permits. As stated, such a blanket statement is legally insufficient and of no practical use.

The reader should not be required to infer that a source is in compliance simply by the District's omission of contrary language. In fact, in some instances such an inference may be incorrect.

District Response: In accordance with section 9.14 of District Rule 2520, a compliance schedule is required "for sources in violation of any applicable requirement". This source certified compliance with the applicable requirements in their initial application, and compliance with each applicable requirement was demonstrated in the Compliance section of the application review. Therefore, a compliance schedule was not required for this permit.

In addition to a compliance schedule "for sources in violation of any applicable requirement", section 9.14 of Rule 2520 also requires a statement that the sources will continue to comply. This is addressed in condition 5, which requires that the permittee comply with all conditions of the permit including any revisions originated by the District. Because applicable requirements with future effectiveness dates are included as permit terms, the permit also assures that the permittee will

comply with requirements with future effectiveness dates, as required by Section 9.14.3 of Rule 2520. Therefore, the condition is legally sufficient to satisfy the requirements of Section 9.14 of Rule 2520.

OCE Comment #III.: *Failure to Include a sufficient Statement of Basis with the Draft Permit. The limited information provided in the Permit Application Review is inadequate—Mckittrick's, Chalk's, Chemical Waste's, Equilon's, and Castle Peak's Draft Title V Permits*

According to 40 CFR § 70.7(a)(5), the District must provide a statement that sets forth the legal and factual basis for the draft permit conditions, including references to the applicable statutory and regulatory provisions. While this regulation is ambiguous as to whether the Statement of Basis must be included as part of the Draft Permit, we believe that it should be.

As you know, the purpose of the Statement of Basis is to provide an explanation of why the permit contains the provisions it does and why it does not contain other provisions that might otherwise be applicable. In other words, the Statement should set out the factual context for the Permit requirements. Along with the Permit Application, it provides a "background" for both decisions made by the District as well as efforts at meaningful public review. Without the Statement of Basis, effective public review is hindered. It makes sense that the District would incorporate the full Statement of Basis into Draft Permit so as to facilitate public review. Maintaining the Statement of Basis as a separate document, kept at the District Office makes one more document for interested parties to request. The practice of not incorporating the District's analysis of the legal and factual basis for Permit actions into the Draft Permit itself implies to interested parties that all the information needed to effectively review or consult a Permit is contained within the Permit itself. This is simply not so.

As written, the Draft Permits contain little in the way of factual information about any of the facilities' operations. The Permit Application Review references Attachments (the Detailed Facility Printouts) for a list of permitted equipment. The lists are of limited usefulness as tools for the public to comprehend the facilities' operations. The Detailed Facility Printout simply gives a very brief description of particular pieces of equipment. They do not list the emissions that come from that particular piece of equipment and leaves the non-expert public in the position of guessing as to even the most general functional aspects of a facility's operation. With the information as offered in the Detailed Facility Printouts, the interested public cannot be expected to adequately understand what type of facility is being permitted, what type of equipment is being used and for what processes, and what emissions are resulting. We believe the District should incorporate into its Statement of Basis, a much more lucid explanation of the facility, its emissions sources and abatement equipment, and its overall operational/manufacturing processes.

While descriptions of the facility and its process are contained in the permit application, they should be incorporated into the Draft Permit, as part of the Statement of Basis, not a mere list, included as an attachment. By including the legal and factual basis along the District's Draft Permits (including a detailed description of the facility, its emissions sources and abatement equipment, and its operational process), the Draft Permits move closer to becoming clear, comprehensive and informative documents. Such comprehensive Draft Permits will allow interested parties to effectively

review what type of facility is being permitted, the applicable requirements and the reasons for those requirements upon which comments can be based.

District Response: Each draft permit condition also includes a rule reference that identifies the underlying rule or regulation for each condition and a comprehensive equipment description is included in the permit for each permit unit. (e.g., EMERGENCY FIRE WATER PUMP POWERED BY 244 HP CUMMINS DIESEL-FIRED INTERNAL COMBUSTION ENGINE EQUIPPED WITH TURBOCHARGER, INTERCOOLER AND POSITIVE CRANKCASE VENTILATION). The application review further describes what type of facility is being permitted, the applicable requirements including a specific description of how compliance with each applicable requirement is assured in the permit, and the reasons for those requirements upon which comments can be based.

The federal Title V regulations in 40 CFR part 70.6, which are very prescriptive with regards to permit content, do not include provisions for including the statement of basis in the draft permit as you recommend. Including the full statement of basis in the Title V permit would unnecessarily make the permit more complex and less understandable. The application review, which acts as a statement of basis, is provided to the public free of charge upon request along with the draft permit, so there is no reason for incorporating the application review into the draft V permit.

Other more detailed information about the facility that the applicant is required to provide as part of a Title V permit application package (emissions, certifications, etc.) is also available upon request.

OCE Comment #IV.: Draft Permits refer to incorrect Facility-Wide Requirements

Throughout the Facility-Wide Requirements (Requirement(s)) in the draft Title V permits that the District proposes to issue to the facilities subject to these comments, the District cites incorrect applicable rules. For example:

In Chemical Waste's, McKittrick's, and Chalk Cliff's draft permits, Facility-Wide Requirement 10 denotes the requirements regarding the frequency of monitoring reports. San Joaquin Valley APCD District Rule 2520, 9.6.1 is referenced as the corresponding District Rule. District Rule 2520, 9.6.1 explains that emissions authorized by allowances under the acid rain program are excepted from this requirement. The proper corresponding District Rule is 2520, 9.5.1.

In Chemical Waste's, McKittrick's, and Chalk Cliff's draft permits, Facility-Wide Requirement 11 provides details for the prompt reporting of deviations from the permit conditions. San Joaquin Valley APCD District Rule 2520, 9.6.2 is referenced as the corresponding District Rule. District Rule 2520, 9.6.2 addresses the proper use of allowances under the acid rain program. The proper corresponding District Rule is 2520, 9.5.2.

In Chemical Waste's, McKittrick's, and Chalk Cliff's draft permits, Facility-Wide Requirement 12 is the Permit's severability clause. San Joaquin Valley APCD District Rule 2520, 9.8 is referenced as the corresponding District Rule. District Rule 2520, 9.7 is the proper corresponding as it lists the severability clause one of the necessary Permit requirements.

In Chemical Waste's, McKittrick's, and Chalk Cliff's draft permits, Facility-Wide Requirement 16 provides requirements for the furnishing of information to the District necessary for the District's consideration of possible modification, revocation, reissuance or termination of a permit. San Joaquin Valley APCD District Rule 2520, 9.9.5 is referenced as the corresponding District Rule. District Rule 2520, 9.8.5 is the proper corresponding District Rule, as it denotes the same requirements.

In Chemical Waste's, McKittrick's, and Chalk Cliff's draft permits, Facility-Wide Requirements 18, 19, 20, and 21 set out the District's inspection authority. Joaquin Valley APCD District Rule 2520, 9.14.2.1, 9.14.2.2, 9.14.2.3. and 9.14.2.4, respectively are cited as the District's authority. However, the proper citation to the District's inspection authority is found at District Rule 2520, 9.13.2.1, 9.13.2.2, 9.13.2.3, and 9.13.2.4, respectively.

In Chemical Waste's, McKittrick's, and Chalk Cliff's draft permits, Facility-Wide Requirement 28 sets out each facilities' responsibility to certify documents submitted to the District. The District incorrectly cites District 2520, 9.14.1. The proper District Rule is Rule 2520, 9.13.1 and 10.0.

In Chemical Waste's, McKittrick's, and Chalk Cliff's draft permits, Facility-Wide Requirement 35 lists the requirements needed in a certification of compliance. San Joaquin Valley APCD District Rule 2520, 9.17, which mandates that general permit templates, if used, shall be used without modification, is referenced as the corresponding District Rule. District Rule 2520, 9.16 is the proper corresponding District Rule, as it denotes the requirements of certifications of compliance.

District Response: The section numbers in the draft permit were based on a previous version of District Rule 2520. The numbers will be updated to reflect the current version at the time of final action.

Title V Facility Contacts

Created On (Date): 25 April 2002

For (Facility name): Chemical Waste Management, Inc, Kettleman Hills Facility

(DBA ID Number): C-283

By (District Staff Person): Douglas Shaffer

Based on Information Provided by: Initial Application Data

Responsible Official

Name: Robert G. Henry

Title: District Manager

Telephone:

Address: P O Box 471

Kettleman City, CA 93239-0471

Contacts for Questions Regarding Application

Name: Paul Turek

Title: Environmental Manager

Telephone: (559) 386-6151

FAX:

Send Draft Permits to:

Name: Paul Turek

Title: Environmental Manager

Telephone: (559) 386-6151

FAX:

Address: P O Box 471

Kettleman City, CA 93239-0471

Send Proposed and Final Permits to:

Name: Robert G. Henry

Title: District Manager

Telephone:

FAX: P O Box 471

Address: Kettleman City, CA 93239-0471

Robert G. Henry

Engineer Name	Douglas Shaffer
Engineer Initials	<QSDASDAS>
Review Manager	Richard McVaigh
Facility's Regional Manager	David Warner
Facility Name	Chemical Waste Management, Inc
Facility #	C-283
Project #	C-960849
Operation Description	hazardous and municipal waste landfill
Location	Kettleman City
	The following should make sense: This is for its hazardous and municipal waste landfill Kettleman City, California.
Contact Receiving Final	Mr. Paul Turek
Mailing Address	PO Box 471 Kettleman City, CA 93239-0471
Newspaper	Hanford Sentinel
Did EPA have objections?	No
Were there any comments?	Yes
Preliminary Notice Date	September 6, 2002

Gerardo C. Rios, Chief
Permits Office (AIR-3)
U.S. EPA - Region IX
75 Hawthorne St.
San Francisco, CA 94105

**Re: Notice of Final Action - Title V Permit
District Facility # C-283
Project # C-960849**

Dear Mr. Rios:

The District has issued the Final Title V Permit for Chemical Waste Management, Inc. The preliminary decision for this project was made on September 6, 2002. A summary of the comments and the District's response to each comment is included as an attachment to the engineering evaluation.

The public notice for issuance of the Final Title V Permit will be published approximately three days from the date of this letter.

I would like to thank you and your staff for working with us. We appreciate your concurrence with this action. Should you have any questions, please contact Mr. Richard McVaigh, Permit Services Manager, at (559) 230-5900.

Sincerely,

Sayed Sadredin
Director of Permit Services

Attachments

C: Douglas Shaffer, Permit Services Engineer

Mike Tollstrup, Chief
Project Assessment Branch
Air Resources Board
P O Box 2815
Sacramento, CA 95812-2815

**Re: Notice of Final Action - Title V Permit
District Facility # C-283
Project # C-960849**

Dear Mr. Tollstrup:

The District has issued the Final Title V Permit for Chemical Waste Management, Inc. The preliminary decision for this project was made on September 6, 2002. A summary of the comments and the District's response to each comment is included as an attachment to the engineering evaluation.

The public notice for issuance of the Final Title V Permit will be published approximately three days from the date of this letter.

I would like to thank you and your staff for working with us. Should you have any questions, please contact Mr. Richard McVaigh, Permit Services Manager, at (559) 230-5900.

Sincerely,

Sayed Sadredin
Director of Permit Services

Attachments

C: Douglas Shaffer, Permit Services Engineer

Paul Turek
Environmental Manager
Chemical Waste Management, Inc
PO Box 471
Kettleman City, CA 93239-0471

**Re: Notice of Final Action - Title V Permit
District Facility # C-283
Project # C-960849**

Dear Mr. Turek:

The District has issued the Final Title V Permit for Chemical Waste Management, Inc. The preliminary decision for this project was made on September 6, 2002. A summary of the comments and the District's response to each comment is included as an attachment to the engineering evaluation.

The public notice for issuance of the Final Title V Permit will be published approximately three days from the date of this letter.

Thank you for your cooperation in this matter. Should you have any questions, please contact Mr. Richard McVaigh, Permit Services Manager, at (559) 230-5900.

Sincerely,

Seyed Sadredin
Director of Permit Services

Attachments

C: Douglas Shaffer, Permit Services Engineer

Mike Costa
Our Children's Earth
915 Cole St, Suite #248
San Francisco, CA 94117

**Re: Notice of Final Action - Title V Permit
District Facility # C-283
Project # C-960849**

Dear Mr. Costa:

The District has issued the Final Title V Permit for Chemical Waste Management, Inc. The preliminary decision for this project was made on September 6, 2002. A summary of the comments and the District's response to each comment is included as an attachment to the engineering evaluation.

The public notice for issuance of the Final Title V Permit will be published approximately three days from the date of this letter.

Thank you for your cooperation in this matter. Should you have any questions, please contact Mr. Richard McVaigh, Permit Services Manager, at (559) 230-5900.

Sincerely,

Seyed Sadredin
Director of Permit Services

Attachments

C: Douglas Shaffer, Permit Services Engineer

Hanford Sentinel

**SAN JOAQUIN VALLEY
AIR POLLUTION CONTROL DISTRICT
NOTICE OF FINAL DECISION TO ISSUE
FEDERALLY MANDATED OPERATING PERMIT**

NOTICE IS HEREBY GIVEN that the San Joaquin Valley Air Pollution Control District has made its final decision to issue the initial Federally Mandated Operating Permit to Chemical Waste Management, Inc for its hazardous and municipal waste landfill Kettleman City, California.

The District's analysis of the legal and factual basis for this proposed action, project #C-960849, is available for public inspection at the District office at the address below. For additional information regarding this matter, please contact Mr. Richard McVaigh, Permit Services Manager, at (559) 230-5900, or contact Seyed Sadredin, Director of Permit Services, in writing at SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT, 1990 E. GETTYSBURG AVE, FRESNO, CA 93726-0244.

TITLE V PUBLIC NOTICE CHECKLIST

FACILITY ID: C-283 PROJECT #: C-960849

✓ ✓
REQST. COMPL.

- ___ ___ Title V PRELIMINARY PUBLIC NOTICE
- ___ ___ Title V REVISED PROPOSED PUBLIC NOTICE
- ✓ ___ Title V FINAL PUBLIC NOTICE
- ___ ___ Title V MODIFICATION PUBLIC NOTICE

ENCLOSED DOCUMENTS REQUIRE:

- ✓ ___ Stamp current date on all letters and signature page of the evaluation.
- ✓ ___ Send **FINAL** notice letters to CARB, EPA and applicant including the following attachments:
 - ✓ Engineering evaluation with attachments.
 - ✓ Public notice
- ✓ ___ Send **FINAL** public notice for publication to: Hanford Sentinel.
- ✓ ___ Send signed copies of all **FINAL** notice letters, engineering evaluation with attachments, and public notice to the following:
 - ✓ Douglas Shaffer, Permit Services Engineer
 - ✓ David Warner, Permit Services Manager
- ✓ ___ Enter "Mail Date" onto project record.
- ✓ ___ Attach Compliance Assistance Bulletin "Title V Reporting Requirements" to the facility mailing.
- ✓ ___ Email Chay Thao Engineering Evaluation.
- ✓ ___ Engineer to Email regional PS manager; subject: "Initial Title V permits issued, please post all prorates for C-283."
- ✓ ___ Other special instructions: _____
Send **FINAL** notice letters to Mike Costa, including the Engineering Evaluation
with attachments and including Public notice

Date completed: January 13, 2003 By: Douglas Shaffer

San Joaquin Valley Air Pollution Control District

Final Engineering Evaluation

Facility # C-283
Chemical Waste Management, Inc

PREPARED BY:

Douglas Shaffer
Air Quality Engineer

REVIEWED BY:

Richard McVaigh
Permit Services Manager

APPROVED BY:

Seyed Sadredin
Director of Permit Services

FINAL DECISION DATE:
